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10 **THE MARKHAM LAW FIRM**

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13 *Attorneys for Plaintiff*

14 **UNITED STATES DISTRICT COURT**

15 **FOR THE DISTRICT OF NEVADA**

16 CHARDE EVANS, on behalf of herself, and all
17 others similarly situated,

18 Plaintiff,

19 v.

20 WAL-MART STORES, INC., and DOES 1
21 through 50, Inclusive,

22 Defendants.

23 Case No. 2:10-cv-01224-JCM-VCF

24 **PLAINTIFF'S MOTION TO VACATE
25 STATUS CONFERENCE SET FOR
26 SEPTEMBER 15, 2017**

27 Date: September 15, 2017

28 Time: 10:00 a.m.

Judge: Magistrate Ferenbach

29 Judge: Hon. James C. Mahan

1 Plaintiff respectfully requests that this Court vacate the Status Conference scheduled
2 for September 15, 2017 at 10:00 a.m. because the Nevada Supreme Court has yet to issue its
3 decision in *Neville v. Eighth Judicial District Court of the State of Nevada*, Nev. Sup. Ct. No.
4 70696.

5 Dated: September 11, 2017

Respectfully submitted:

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8 THIERMAN BUCK LLP
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10 By: s/Joshua D. Buck
11 Joshua D. Buck
12 Attorneys for Plaintiff and the Class

13 **MEMORANDUM OF POINTS AND AUTHORITIES**

14 This Court granted Wal-Mart's motion to stay the case pending the Nevada Supreme
15 Court's decision in *Neville v. Eighth Judicial District Court of the State of Nevada*, Nev. Sup.
16 Ct. No. 70696 ("Neville"). See ECF No. 91.

17 Counsel for Plaintiff is also counsel for Petitioner in the *Neville* action.¹ The Nevada
18 Supreme Court heard oral argument on Neville's Petition on July 17, 2017.² As of the date of
19 filing this Motion, the Nevada Supreme Court has not issued its decision in *Neville*. Counsel
20 for Plaintiff expects a decision in *Neville* in the next few months. Upon issuance of a decision
21 in *Neville*, Counsel for Plaintiff will provide this court with a Notice of Decision no later than
22 seven (7) days after the issuance of the decision by the Nevada Supreme Court.

23 Dated: September 11, 2017

Respectfully submitted:

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25 THIERMAN BUCK LLP
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27 By: s/Joshua D. Buck
28 Joshua D. Buck
Attorneys for Plaintiff and the Class

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[PROPOSED] ORDER

Plaintiff's Motion to Vacate the September 15, 2017 Status Conference is GRANTED.

Plaintiff shall file a Notice of Decision within seven (7) days after the Nevada Supreme Court's ruling in *Neville v. Eighth Judicial District Court of the State of Nevada*, Nev. Sup. Ct. No. 70696.

IT IS SO ORDERED.

September 12

DATED: _____, 2017

CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE